

REMARKS

Claims 1, 4-9, 11-12, 14, 16-17, 20, 23, 26, 28-29, 31 and 48 are pending. Claims 2-3, 10, 13, 15, 18-19, 21-22, 24-25, 27, 30, 32-47 and 49-69 were previously canceled.

I. The Examiner's Restriction and The Applicant's Provisional Election

The Examiner required restriction, under 35 U.S.C. 121, between the following Groups:

Group I claims 1 and 17, drawn to an isolated polypeptide selected from the group consisting of: a) a polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1-7, b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to an amino acid sequence selected from the group consisting of SEQ ID NO:1-7, c) a biologically active fragment of a polypeptide having an amino acid sequence selected from the group consisting of SEQ ID NO:1-7, and d) an immunogenic fragment of a polypeptide having an amino acid sequence selected from the group consisting of SEQ ID NO:1-7; a composition comprising said polypeptide.

The Examiner further required election of one amino acid sequence from SEQ ID NO:1-7 if Applicants choose to elect Group I.

Group II claims 4-9, 12 and 48, drawn to an isolated polynucleotide encoding a polypeptide comprising a polynucleotide sequence selected from the group consisting of SEQ ID NO:8-14; a recombinant polynucleotide comprising a promoter sequence, cell transformed with recombinant polynucleotide; method producing polypeptide of claim 1; polynucleotide comprising a naturally occurring polynucleotide sequence at least 90% identical to a polynucleotide sequence selected from the group consisting of SEQ ID NO:8-14; complimentary sequences and RNA equivalents thereof; and array comprising different nucleotide molecules affixed on a solid substrate; a transgenic organism comprising a recombinant polynucleotide of claim 6.

The Examiner further required election of one nucleic acid sequence from SEQ ID NO:8-12 and one amino acid sequence from SEQ ID NO:1-7 if Applicants choose to elect Group II.

Group III claims 11 and 31, drawn to an antibody that specifically binds to a polypeptide of claim 1, wherein the antibody is a chimeric antibody, a single chain antibody, a fab fragment, a F(ab')₂ fragment of a humanized antibody.

The Examiner further required the election of one antibody from 31 if Applicants choose to elect Group III.

Group IV claims 14, 16, 28 and 29, drawn to a method for detecting a target polynucleotide in a sample, said target polynucleotide of claim 12, comprising hybridizing the sample with a probe comprising at least 20 contiguous nucleotides; amplifying said target polynucleotide or fragment thereof using polymerase chain reaction; a method of assessing toxicity of a test compound; a method of screening a compound for effectiveness in altering expression of a target polynucleotide, wherein the target polynucleotide comprises a sequence of claim 5 by exposing a sample comprising said polynucleotide to a compound and detecting altered expression of the target polynucleotide in the sample.

The Examiner further required the election of one polynucleotide sequence from SEQ ID NO:8-14 if Applicants choose to elect Group IV.

Group V claims 20, 23 and 26, drawn to a method of screening for a compound for effectiveness as an agonist or an antagonist of a polypeptide of claim 1 by exposing a sample comprising said polypeptide to a compound and detecting agonist or antagonist activity in the sample; a method of screening for a compound that specifically binds to the polypeptide of claim 1 comprising combining said polypeptide with at least one test compound and detecting the binding of the polypeptide to the test compound.

The Examiner further required the election of one amino acid sequence from SEQ ID NO:1-7.

Applicants hereby provisionally elect, **with traverse**, Group I, claims 1 and 17, drawn to an isolated polypeptide selected from the group consisting of: a) a polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1-7, b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to an amino acid sequence selected from the group consisting of SEQ ID NO:1-7, c) a biologically active fragment of a polypeptide having an amino acid sequence selected from the group consisting of SEQ ID NO:1-7, and d) an immunogenic fragment of a polypeptide having an amino acid sequence selected from the group consisting of SEQ ID NO:1-7; a composition comprising said polypeptide.

Applicants further elect, **with traverse**, polypeptides as depicted in SEQ ID NO:1.

**II. The Search of At Least SEQ ID NO: 1 and SEQ ID NO:4
For Group I Could Be Made Without Serious Burden**

Applicants traverse the restriction requirement on the grounds that the search and examination of at least SEQ ID NO:1 and SEQ ID NO:4 within Group I is not unduly burdensome. According to MPEP section 803 "if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." Additionally, Applicants draw the Examiner's attention to the practice of the Office during the prosecution of U.S. Patent No. 6,391,580 (the parent of the present application) in which the polynucleotides corresponding to SEQ ID NO:1 and SEQ ID NO:4 were examined together. Accordingly, Applicants respectfully request the polypeptides of SEQ ID NO:4 be examined along side the polypeptides of SEQ ID NO:1.

III. Conclusion

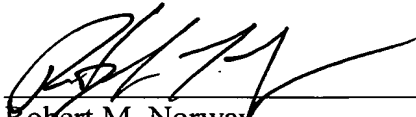
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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